

012204



16076 U.S. PTO

PTO/SB/05 (01-04)

Approved for use through 07/31/2006. OMB 0651-0032

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UTILITY
PATENT APPLICATION
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	MAX 2-010-3
First Inventor	Jeffrey P. Smith
Title	Poultry Breast Meat Apportioning.....
Express Mail Label No.	EV 406987415 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 23]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 18]
5. Oath or Declaration [Total Sheets 41]
 - a. ☐ Newly executed (original or copy)
 - b. ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ Paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure ☐ Copies of IDS
Statement (IDS)/PTO-1449 Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form PTO/SB/35
or its equivalent.
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: 10/359,762

Prior application information: Examiner Richard Thomas Price, Jr.


Art Unit: 3643

For CONTINUATION OR DIVISIONAL APPS only, The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☐ Customer Number:  OR ☐ Correspondence address below

Name	Gerald L. Smith		
Address	Mueller and Smith, LPA		
	7700 Rivers Edge Drive		
City	Columbus	State	Zip Code 43235
Country	US	Telephone 614-436-0600	Fax 614-436-0057

Name (Print/Type)	Gerald L. Smith	Registration No. (Attorney/Agent)	22.009
Signature		Date	January 22, 2004

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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22390 U.S. PTO
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012204

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FEE TRANSMITTAL
for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 394.00

Complete if Known

Application Number	
Filing Date	Herewith
First Named Inventor	Jeffrey P. Smith
Examiner Name	
Art Unit	
Attorney Docket No.	MAX 2-010-3

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

13-4830

Mueller and Smith, LPA

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	385.00
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$) 385.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	21	-20** =	1	x	Fee from below	9.00	=	Fee Paid	9.00
Independent Claims	2	-3** =	0	x	-----	-----	=	-----	-----
Multiple Dependent							=		

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 9.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	1052 50	2052 25	Surcharge - late filing fee or oath	
1053 130	2053 130	1812 2,520	2052 25	Surcharge - late provisional filing fee or cover sheet	
1812 2,520	1053 130	1804 920*	2053 130	Non-English specification	
1804 920*	1812 2,520	1805 1,840*	2052 25	For filing a request for <i>ex parte</i> reexamination	
1805 1,840*	1804 920*	1251 110	1805 1,840*	Requesting publication of SIR prior to Examiner action	
1251 110	1805 1,840*	1252 420	1805 1,840*	Requesting publication of SIR after Examiner action	
1252 420	1251 110	1253 950	1251 110	Extension for reply within first month	
1253 950	1252 420	1254 1,480	1252 420	Extension for reply within second month	
1254 1,480	1253 950	1255 2,010	1253 950	Extension for reply within third month	
1255 2,010	1254 1,480	1401 330	1254 1,480	Extension for reply within fourth month	
1401 330	1255 2,010	1402 330	1255 2,010	Extension for reply within fifth month	
1402 330	1401 330	1403 290	1401 330	Notice of Appeal	
1403 290	1402 330	1451 1,510	1402 330	Filing a brief in support of an appeal	
1451 1,510	1403 290	1452 110	1403 290	Request for oral hearing	
1452 110	1451 1,510	1453 1,330	1451 1,510	Petition to institute a public use proceeding	
1453 1,330	1452 110	1501 1,330	1452 110	Petition to revive - unavoidable	
1501 1,330	1453 1,330	1502 480	1453 1,330	Petition to revive - unintentional	
1502 480	1501 1,330	1503 640	1501 1,330	665 Utility issue fee (or reissue)	
1503 640	1502 480	1460 130	1502 480	665 Utility issue fee (or reissue)	
1460 130	1503 640	1807 50	1503 640	240 Design issue fee	
1807 50	1460 130	1806 180	1807 50	320 Plant issue fee	
1806 180	1807 50	8021 40	1806 180	Petitions to the Commissioner	
8021 40	1807 50	1809 770	1807 50	Processing fee under 37 CFR 1.17(q)	
1809 770	8021 40	1810 770	1809 770	Submission of Information Disclosure Stmt	
1810 770	1809 770	1801 770	1810 770	Recording each patent assignment per property (times number of properties)	
1801 770	1810 770	1802 900	1801 770	Filing a submission after final rejection (37 CFR 1.129(a))	
1802 900	1802 900		1802 900	For each additional invention to be examined (37 CFR 1.129(b))	
				Request for Continued Examination (RCE)	
				Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) -----

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Gerald L. Smith	Registration No. (Attorney/Agent)	22,009	Telephone	614-436-0600
Signature		Date	January 22, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Jeffrey P. Smith

Date Filed: Herewith

For: "Poultry Breast Meat Apportioning Method"

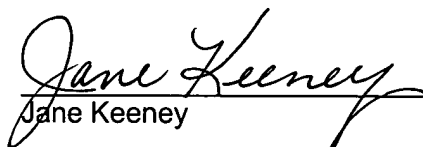
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ALEXANDRIA, VA 22313-1450

CERTIFICATE OF MAILING BY EXPRESS MAIL

"Express Mail" mailing label number EV 406987415 US

Date of Deposit: January 22, 2004

I hereby certify that this continuation-in-part application with drawings, declaration/power of attorney, data sheet, and a check in the amount of \$394.00 is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above, addressed to: Mail Stop Patent Application, Commissioner for Patents, Alexandria, VA 22313-1450.


Jane Keeney

Encs.